

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
 :
 v. : File No. 2:08 CR 23-4
 :
JEAN VERDINER :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed November 4, 2011. Defendant's response was filed November 18, 2011.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The motion to vacate under 28 U.S.C. 225(Paper 164)and the motion to vacate imder 28 U.S.C. 2255 (Paper 172) are **DENIED without prejudice as premature.**

Dated at Burlington, in the District of Vermont, this
27th day of January, 2012.

/s/ William K. Sessions III

William K. Sessions III

District Court Judge